



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 10, 2005, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBER Quirk

PROCLAMATION: National Peace Officers' Week, May 15 – 21,
May 15, 2005 Peace Officers' Memorial Day

Mayor Cooper read the proclamation honoring the dedicated men and women who have chosen law enforcement as a career. She also noted Peace Officers' Memorial Day and in memory, honored Hayward Police Officers George Vierra, Bobby McSpadden, Ben Worcester, and Police Assistant Bob Reed who lost their lives in the line of duty. She presented the proclamation to Police Chief Lloyd Lowe. Chief Lowe reiterated the importance of those who gave their lives in the line of duty. He announced the Open House at the Hayward Police Department this Saturday.

PRESENTATION: Pride in Hayward Award

The May 2005 Pride in Hayward Award was presented to following residents of the Glen Eden Neighborhood: George and Sandra Padua, Beverly Nunes, Elden and Joyce Robles, Chris and Jewell Rael, and Takenaka Yoshiko. The Mayor thanked each for taking pride in their homes and adding to the beauty of the City of Hayward.

Mayor Cooper read from the proclamation and announced the upcoming food drive that will be conducted by the National Association of Postal Carriers and the United States Postal Service this Saturday.

Recycling Program Poster and Essay Contest Award

Mayor Cooper congratulated the winners of the Hayward Clean-Up Days Poster and Essay Contest with gift certificate awards. She noted that this is the 22nd Annual Cleanup Day Campaign and there were over 900 entries representing thirty-six Hayward schools.

Council Member Henson announced the volunteer litter pick-up and barbecue, which will be held on Saturday, May 21st in different neighborhoods. He also thanked the Hayward Kiwanis Club, the Hayward Area Recreation and Park District, and the Daily Review for their sponsorship. The following businesses were acknowledged for donating towards the prizes that were awarded: Berkeley Farms, CurbCycle, Felson Builders, Fuji Tricolor Photo Service, Hayward 1900, Inc., Hayward Area Historical Society, Hayward Arts Council, Hayward City Employees' Association, Hayward Ford, Inc.,

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Hayward Rotary Club, Keenan Land Development, Oakland Athletics Baseball Company, R. Zaballos & Sons, Inc., Rohm & Haas, and Shasta Beverages.

Lastly, he thanked Vera Dahle-Lacaze, Michael Norman, Sharron Bowen, and the Public Works Utilities Administration staff who coordinated the Poster and Essay Contest. It was noted that this year's winning posters and essays can be viewed on the City of Hayward's website.

Mayor Cooper and Council Member Olden Henson presented the awards to the winners as well as presented the teachers of the first place winners a \$200 certificate. Mayor Cooper also presented \$200 gift certificate as a bonus prize, courtesy of Curbcycle to two students.

PUBLIC COMMENTS

Lisa Brunner spoke in support of reinstating the DARE program that was eliminated last year due to budget constraints and the importance of the program for school children.

Patricia Gowin stated that she and her husband have not been attending Council meetings, but keep abreast of issues by reading the newspaper. She spoke on the news article related to the poster and essay contest that featured student Ricardo Gonzales who won an award for writing on Heart of the Bay. She thanked Council for their hard work.

CONSENT

1. Approval of the Minutes of the City Council Meeting of May 3, 2005.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to approve the minutes of the City Council Meeting of May 3, 2005.

2. Downtown Business Improvement Area Annual Report, Proposed Budget for FY 2005 – 2006, and Setting Public Hearing for May 24, 2005

Staff report submitted by Redevelopment Director Bartlett, dated May 10, 2005, was filed.

Council Member Dowling thanked the BIA and staff for including in the budget funding for marketing the downtown and sidewalk maintenance.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-049, "Resolution Accepting Annual Report and Declaring Intention to Levy Annual Charges for the Downtown Hayward Business Improvement Area for the Fiscal Year 2005-06 and Providing for Notice of Hearing Thereon"

3. Execution of a Cooperation Agreement Between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium



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Staff report submitted by Housing Development Specialist Stark, dated May 10, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-050, "Resolution Approving Continued Participation in the Alameda County Home Consortium and Authorizing the City Manager to Execute the Home Consortium Cooperation Agreement with Alameda County"

4. Authorization for an Exclusive Negotiating Period with Waste Management of Alameda County for Extension of the Solid Waste and Recycling Franchise

Staff report submitted by Deputy Director of Public Works Ameri, dated May 10, 2005, was filed.

Council Member Halliday indicated that this action begins a period of negotiating for trash collection with Waste Management. She suggested that anyone having comments submit them to staff or any Council Member. She inquired whether Tri-ced, the subcontractor, would be involved in the negotiations. City Manager Armas responded that the City would not be directly negotiating with the subcontractor, but recycling will be an integral part of the negotiations.

Council Member Henson stated that the agenda report indicates that the goal is a 50 percent diversion from the landfills. Hayward has met its goal, but the County's goal of 75 percent has not been met. He urged staff to review ways for expansion in order to meet the 2010 goals.

Council Member Jimenez reiterated the process of using Waste Management and its recycling subcontractor.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-051, "Resolution Authorizing the City Manager to Enter into Exclusive Negotiations with Waste Management of Alameda County to Extend the Solid Waste and Recycling Franchise Agreement"

5. Foothill Boulevard/B Street Left Turn Lane: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated May 10, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-052, "Resolution Approving Plans and Specifications for the Foothill Boulevard/B Street Left Turn Project, Project No. 5184"

PUBLIC HEARINGS

6. Approval of Social Services Funding for Fiscal Year 2005-06

Staff report submitted by Social Services Planning Manager Korth, dated May 10, 2005, was filed.

Social Services Planning Manager Korth summarized the report, noting that 31 applications were received, proposals were reviewed, interviews conducted, and an applicant appeals hearing provided before staff and the Human Services Commission finalized the recommendations. A secondary consideration list was established should funding become available.

Mayor Cooper opened the public hearing at 9:00 p.m.

Maricela Gutierrez and Sergio Morales representing the Tennyson High School Health Center, advocated for the peer education program at Tennyson High School and Cesar Chavez Junior High that is coordinated by Tiburcio Vasquez Health Center. She was disappointed in the funding recommendation and asked for consideration for increased funding in the future. She noted that it is the one of two school-based health centers in South County. Mr. Morales reported that he is present daily and is able to directly contact the students. Student peers are trained to make presentations regarding health services.

Michael Sweeney, Executive Director of Spectrum, and President of the Spectrum Board of Directors Julie McKillop urged support of both the Commissions recommendations for funding in order to continue the meals program in the City of Hayward. Ms. McKillop commented that the Human Services recommendation is what was requested, but asked that the Citizens Advisory Commission recommendation be approved by Council.

Mayor Cooper closed the public hearing at 9:06 p.m.

Council Member Ward asked what the likelihood of funding the secondary list was. Social Services Planning Manager Korth stated that past history has proven unlikely, but generally it is based on whether other funding sources are received. Council Member Dowling asked if the six applicants on the secondary list are ranked and how much can be offered. In response, Social Services Planning Manager Korth discussed the process that is used by the Citizens Advisory Commission in funding when that occurs. City funding generally represents a portion of a larger budget.

Council Member Dowling asked staff to work in assisting the Tiburcio Vasquez Teen Health Center



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program at Tennyson High. He toured the facility and was quite impressed at the number of students using the facility. He commended Supervisor Gail Steele for assisting in implementing that program. He moved to adopt the funding as recommended by both the staff and the Citizens Advisory Commission.

Mayor Cooper asked for clarification on the congregate meal sites for the Spectrum service. Social Services Planning Manager Korth stated that low cost meals are provided at these sites to those who reside at those sites as well as to people who travel to the sites. Not all residents at the sites participate. People who participate are on limited incomes and are low income residents. Mayor Cooper maintained the importance of verifying eligibility.

Council Member Halliday thanked the Human Services Commission and the staff for making the extra effort to prepare the recommendation to Council to consider a cost of living increase to the Social Services fund. She felt that it was outside the scope of the Commission's duties and commended their efforts. She recommended that this be considered in the future as it is an investment to the human services area.

Council Member Henson discussed the application process and the limited amount of City funding. This threshold of funding was established long before he was on Council, yet agreed that most City budgets are tight and limited funds are difficult to address. He felt that there were a number of worthy applicants that could not be funded. At his request, staff noted that the services provided by those that are being funded by the City address the needs of individuals of all ages in all aspects of this community. The City partners with agencies, such as the Human Outreach Agency, to leverage the funding at best in order to provide a balanced variety of programs. He thanked the Commission and the staff for all of their arduous efforts.

Mayor Cooper stated that she supports the motion. She noted her concerns. She suggested that the Council meet jointly with the commissions to discuss the process and determine whether providing small bits of money to many agencies or investing a major fund to a particular agency in order that would assist as many residents as possible. Her question for discussion would be, "Are we really doing what we can for this community by funding piecemeal?"

Council Member Dowling stated that in his experience as a grant writer, City funding could be really very critical to an agency when seeking funding, in particular when some funds are only for a year. An agency relies on City funding several years in a row to maintain its budget. He felt that the suggestion to have a dialogue is worthwhile.

It was moved by Council Member Dowling, seconded by Council Member Halliday, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-053, "Resolution Approving Social Services Funding for
Fiscal Year 2005-06"

7. Approval of Community Development Block Grant Funding for Fiscal Year 2005-06

Staff report submitted by Neighborhood and Economic Development Manager Patton, dated May 10, 2005, was filed.

Neighborhood and Economic Development Manager Patton made the report and detailed the differences in the recommendations from the Citizens Advisory Commission and the staff. She noted the concerns of the neighborhood with EASTBAY as discussed at the prior work session, emphasizing the inappropriateness of the site and the lack of a track record for the agency and its program model.

Council Member Jimenez asked for an explanation on the proposed lack of funding for the Salvation Army by the Citizens Advisory Commission.

Council Member Ward asked for clarification on the funding for the Boys and Girls Club and was informed that there will be an additional twelve years of CDBG funding, but as the City's budget improves, it can be shifted to the City's general fund. He commented on the financial burden to the CDBG program in light of future CDBG funding from Washington. He commented on the \$50,000 staff recommendation towards improving the Salvation Army facility in light of its campaign to solicit funding for a new facility. Staff noted that the new facility will be adjacent to the present facility, and will continue to serve low-income residents.

Council Member Henson asked about funding the Spectrum program. He stated that he would support the aggregate \$19,000. He also commented on the Small Business Revolving Loan program. Staff explained the small business criteria, qualifications and marketing used. She noted that this is not funding for start up programs, but for businesses that already are started and have a track record. The loans are amortized for repayment. The maximum is \$100,000, but that is rarely done. Staff also responded to his question related to housing. Grants are available to address specific health and safety issues, such as accessibility. City rehab inspectors perform comprehensive assessments and there is a waiting list for this type of service.

Council Member Halliday asked about the Tiburcio Vasquez Health Center funding for dental care. She felt that the peer program for teens was a worthy program. Economic Development Manager Patton clarified that Tiburcio Vasquez Health Center has several sites, but the dental care would be at its main health center. Staff is recommending a six dental chair facility, while the Commission is proposing funding for five.

City Manager Armas indicated that the memo received prior to the hearing from Al Mendall, Chair of the Citizens Advisory Commission, is consistent with the staff recommendation.

Mayor Cooper opened the public hearing at 9:46 p.m.

Council Member Jimenez read from the staff report related to the Salvation Army. He sided with the staff recommendation and asked for an explanation for the lack of recommendation from the Citizens Advisory Commission.



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Rosario Arreola and Selena Ortiz spoke in support of the Tiburcio Vasquez Health Center dental clinic that proposes to service an estimated 6,000 adults and responded to Council questions. The reduction of one dental chair reduces it by 1,300 or a 25% reduction. They thanked the Citizens Advisory Commission and the members of the City Council. This state of the art program puts Hayward as a model in providing dental services to its residents. They responded to Council questions noting that there are three dental chairs that provide service at the Union City Tiburcio Vasquez Health Clinic. The professional dentists are federally funded for primary health care services.

Eowyn Gorman, representing Family Resource Center Davis Street, stated that the family resource center serves over 11,000 clients and ten percent of its services are offered to Hayward residents. The facility is in San Leandro, about two exits away from A Street. The new facility is shared with the Levitz store. It has established a partnership with Lynx bus shuttle service to transport North Hayward residents from the BART station to the facility. She emphasized that the \$5,000 contribution from the City helps to leverage other funding to make the City's dollars go further. She noted the integrity of the City's funding to the Resource Center.

Michael Sweeney, Executive Director of Spectrum, urged approval for the full funding of \$19,000 to make the meals program work. He noted the dual application process and stressed the importance of full funding.

Julie McKillop submitted a speaker card, but did not speak.

Al Mendall explained the two differences between the Commission and City staff recommendations prior to EASTBAY. He highlighted that there was a \$5,000 difference for Spectrum and Family Violence Law Center and a \$50,000 difference between the Salvation Army and BOSS. He responded to Council questions related to the funding for BOSS and the Salvation Army. He noted that both agencies applied for funding to address health and safety issues. The Commission felt that the request for BOSS was greater and that BOSS may have underestimated its actual need to improve its facilities within the City boundaries. He also addressed a question that was asked by Council Member Jimenez related to Salvation Army's request, noting that a newspaper article highlighted the fundraising efforts of Salvation Army to primarily build a chapel.

Major Robert Keene spoke on behalf of the Salvation Army's funding recommendation. He clarified that the current funding campaign is earmarked for the new building, but approximately \$80,000 is for the current facility. He noted the need to renovate the kitchen and upgrade it to comply with the City's code as it is over 45 years old. He responded to Council questions.

Shannon Ellis, representing Family Violence Law Center, stated that not fully funding their request will impact the amount of families who desire to escape abusive situations. Less funding will limit the free attorney referral service. She expressed her concern for Hayward residents who would be impacted by not being legally represented in a court room when the plaintiff is using an attorney.

Phyllis Sakahara, Health Director of BOSS, and Calvin Walker, Transitional Housing Coordinator for BOSS, urged approval for full funding of their application. She described the services BOSS provides. BOSS runs three programs in Hayward, the Hayward South County Homeless Project and two transitional sites on Meekland and Pacheco. They serve primarily clients with psychiatric disorders, drug and alcohol disorders and families with mental illness. She enumerated the need for major rehabilitation due to heavy usage and the age of the buildings. She noted that loans are limited to one project per year. A loan was received for one of their housing sites, but is restricted to specific improvements. As it is HUD funded, there is a limit on how funds can be used.

Mayor Cooper closed the public hearing at 10:12 p.m.

There was discussion on how to deliberate. The funding memo from the Citizens Advisory Commission was discussed.

Council Member Ward emphasized to the neighbors who were present to express their opposition to funding EASTBAY that this was not likely to be funded this evening and the recommendation of the Citizens Advisory Commission will be removed to assist other agencies. He offered a motion to clarify what Council Member Dowling previously expressed. He stated that the choice between the staff recommendation and that of the Citizens Advisory Commission is a choice for the staff's recommendation with a minor modification to provide an additional \$4,000 to Spectrum from the BOSS recommendation. Staff noted that there is a limit on that allocation.

City Manager Armas reiterated the staff recommendation to reduce \$5,000 from the Family Violence Law Center recommendation and allocate that to Spectrum.

Council Member Ward moved to allocate \$51,000 to BOSS, \$50,000 to the Salvation Army facility and reduce by approximately \$4,000 of the staff recommendation to Family Violence Law Center and allocate that to Spectrum Program.

City Manager Armas reported that Council Member Ward's motion would be accepting the staff recommendation with respect to BOSS and Salvation Army and the Citizens Advisory Commission recommendations for the Family Violence Law Center and the Spectrum Program.

Mayor Cooper agreed with the motion with suggestions that BOSS be allocated \$76,000 as recommended by the Commission, Tiburcio Vasquez Health Center receive its \$127,000, and Salvation Army receive \$50,000 as requested. It was noted that this would be \$25,000 over the total.

There was further discussion with varying proposals involving BOSS, Tiburcio Vasquez Health Center, Family Violence Law Center and Salvation Army.

Council Member Halliday agreed with fully funding the housing rehab program. She suggested accepting the Commission recommendation for BOSS, provide additional funding for Tiburcio Vasquez Health Center and lower by \$25,000, the recommendation to Salvation Army. In the Public Services category, she suggested for consideration finding additional \$5,000 for the Family Violence Law Center by reducing the funding by \$5,000 from the Seventh Step Project. There was further



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discussion.

Council Member Dowling agreed with Council Member Halliday's suggestion to reduce the Seventh Step funding and not reduce Family Violence Law Center allocation. He reiterated Ms. Halliday's motion. Seconded by Council Member Halliday.

Council Member Ward agreed with Council Member Henson the desire to fulfill every application and proposal if funding was available. It is a matter of making decisions that would be in the best interest of the larger community. At his request, staff noted that cutting Seventh Step funding would limit its ability to purchase food as meat and dairy products for its program.

It was moved by Council Member Dowling, seconded by Council Member Halliday, and failed by the following roll call vote to accept the substitute motion:

AYES: Council Members Halliday, Dowling,
NOES: Council Members Jimenez, Ward, Henson
Mayor Cooper
ABSENT: Council Member Quirk
ABSTAINED: None

The substitute motion failed. Council then voted on the main motion.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried with Council Member Quirk absent, to adopt the following resolution accepting the staff recommendation with respect to BOSS Health and Safety Facilities Improvements request and fund by \$50,000 to Salvation Army and accept the Citizens Advisory Commission recommendations for the Family Violence Law Center and the Spectrum Program.

Resolution 05-054, "Resolution Approving the Annual Plan and Authorizing an Application for Federal Assistance under the Community Development Block Grant Program for Fiscal Year 2005-2006"

8. Approval of Consolidated Plan for Fiscal Years 2005/06 – 2009/10

Staff report submitted by Neighborhood and Economic Development Manager Patton, dated May 10, 2005, was filed.

Neighborhood and Economic Development Manager Patton made the report.

Mayor Cooper opened and closed the public hearing at 10:34 p.m. with no requests to speak.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried with Council Member Quirk absent, to adopt the following:

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Resolution 05-055, "Resolution Adopting the Consolidated Plan for
Fiscal Years 2005-2010"

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:35 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward